

James DeNino.

you know anything about a "grape battle"?

A. No.

Q. Do you know if Jennifer tore her pants that day?

A. Yes, because she had a hole in her crotch because she said she would not "hike" the ball.

Q. She what?

A. She had a hole in the crotch.

Q. She would not what?

A. She would not "hike" the ball.

Q. Do you know if she got a pin for that anywhere?

A. No.

Q. You don't recall anyone getting a pin for her pants?

A. No.

Q. Okey, thank you.

By Mr.. Fierro:

You may step down. May he be excused?

By Mr. Ertel:

Yes.

(Excused from witness stand.).

PHILLIP M. GRIMES, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. Tell us your name?

A. Phillip Michael Grimes.

Q. I would like that you speak a little louder, say it

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again?

A. Phillip Michael Grimes.

Q. How old are you?

A. 17.

Q. Do some people call you "Mike"?

A. Yes.

Q. Mike, that is what I will call you, Kim Lee Hubbard is your cousin?

A. Yes, Sir.

Q. Now, what is your Mother's first name, is it Janet?

A. Yes, Sir.

Q. Janet Grimes is your Mother, and you may not know it, but she testified this Morning, and what is your address?

A. 1024 West Central Avenue, South Williamsport.

Q. Who lives in that house, Mike, name all of the people who live there?

A. My Mother and my Dad, Phillip Grimes, my Grandmother, Ruth Forsberg, my brother, Mark, and that is it.

Q. Now, going immediately to October 19th, you remember that day, don't you?

A. Yes.

Q. When was the first time that you saw Kim on October 19th?

A. He was off and on all day.

Q. All right, tell us about it, how many times you saw him, whether it was before noon, afternoon, how many times?

A. I saw him off and on all day, starting, the first tim

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I saw him was around noon.

Q. Did you talk to him?

A. Not then I didn't.

Q. When was the next time you saw him, approximately what time?

A. About 4:00.

Q. What were you doing around 4:00?

A. Working on my car.

Q. Where was your car?

A. In front of my house.

Q. When do you think you started working on your car?

A. About 11:00 that morning.

Q. What was wrong with it?

A. My starter went out, it needed new brushes.

Q. How do you know that it was around 4:00 that you saw Kim and you are, and you were out there working on your car?

A. At 3:30 I went in the house to get some tools and I talked to my Mother and I come back out at quarter of four, and my Uncle, Richard Forsberg come a couple of minutes after I went back out of the house, and Kim came in right after that.

Q. You say Kim came in right after that?

A. Yes, Kim pulled up.

Q. Where did Kim park his car?

A. Out in front of me.

Q. Which way was your car headed?

A. Up towards Maynard Street.

Q. And when Kim parked his car, you said in front of you which way was it headed?

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A. Up towards Maynard.

Q. Were both of these cars on the same side of the street?

A. Yes.

Q. How far away would you say Kim's car was parked from where you had your car parked?

A. 15 or 20 feet maybe.

Q. Did you clearly see Kim and his car?

By Mr. Ertel:

I object to leading.

By The Court:

Refrain from leading.

By Mr. Fierro:

Q. Are you positive you saw Kim's car at that time?

By Mr. Ertel:

I object, the same objection.

By The Court:

Reword your question.

By Mr. Fierro:

Q. Mike, are you familiar with Kim's car?

A. Yes.

Q. Can you describe it to the Jury? We are talking about October 19th, what his car looked like?

A. It was green, it had the right front fender, or the left front fender was crunched, pretty good, from an accident. It was an Oldsmobile Cutlass, four door, hard top, I think.

Q. Do you know about how long Kim had that car?

A. I couldn't say.

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Q. Do you know about how long Kim had that car?

A. I couldn't say.

Q. Do you have any idea?

A. A half a year.

Q. Now, when Kim pulled up and parked his car, was there any conversation between you?

A. No, Sir.

Q. What did you see Kim do?

A. Got out of the car and went directly into his house.

Q. What did you do?

A. I continued on working on my car.

Q. Can you tell us how long you had continued to work on your car, that is from that point on?

A. It was after 5:00 when I finally cleaned up my tools and went in.

Q. When you went in, did you learn what time it was?

A. Yes, Sir, quarter after five.

Q. Why would you, why were you so, so anxious about the time?

By Mr. Ertel:

Objection.

By Mr. Fierro:

Q. Were you anxious about the time?

A. Yes.

Q. What for?

A. Because I had a date that night.

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Q. What time was your date?

A. 5:30.

Q. When you went in you said it was quarter after five, how did you learn this?

A. I looked at the clock, the clock was right inside of the door.

Q. Now, Mike, between the time of 4:00 and quarter after five, did you see Kim at any time in between those times?

A. Yes.

Q. When?

A. About 5:00 he came out of the house and he spoke to me, because my Mom had called me and told me it was 5:00 and I started cleaning up my tools and asked me if I got my car fixed and I said "No.", and I asked him where he was going and he said to go to look for the Hill girl, and he got in his car and drove away.

Q. Mike between 4:00 and the time you say that you saw Kim drive away, you said it was 5:00, were you always outside at your car?

A. Yes, Sir.

Q. All of the time?

A. Yes, Sir.

Q. Can you tell us whether or not Kim Hubbard was there or, whether or not his car was there or moved at any time between 4:00 and 5:00?

A. It was there and it did not move.

Q. Are you sure?

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A. Yes, Sir.

Q. While you were working on your car that afternoon, did anybody you know stop and speak to you?

A. Yes, Sir.

Q. Who?

A. Paul Bubb.

Q. Anybody else?

A. The two Sampsell boys were in the car with him.

Q. Now, do you have any time relationship, that is about what time they may have gone by?

A. It was right before Kim came home at 4:00, I would say it was approximately five of four.

Q. Did anyother boy that you know go by?

A. Rick Koch drove by a little after four and he tooted the horn.

Q. Now, you mentioned your Uncle, I think it is Richard Forsberg, do you know what time Mr. Forsberg came that day?

A. Approximately about ten minutes of four.

Q. What did he do?

A. He got out of the car with one of his boys and went in our house.

Q. Did you have a conversation with him at that point?

A. Yes, he made moreorless a wise crack about my car, me if I would take it to a garage I would not have that problem.

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Q. Now, when did you next see your Uncle, Richard, he went in, but when did you next see him now?

A. About ten minutes of five he was, he came out of the house to go pick up his wife from work.

Q. Did you see your Uncle drive away?

A. Yes.

Q. When did you next see your Uncle?

A. When he come back at about quarter after five.

Q. Who was with him?

A. Natalie.

Q. Is that his wife?

A. Yes.

Q. What did your Uncle and Natalie do, especially with relationship to the car?

A. Richard got out of the car and Natalie went on up the street with it, drove it on up the street.

Q. Where did Richard go?

A. Into the house.

Q. Now, at the time that Richard came back with his wife, can you tell us where Kim's car was?

A. In front of his house.

Q. It was?

A. Yes, Sir.

Q. Are you sure?

A. Yes.

Q. Now, what time did you say that it was that Richard and his wife came to your house?



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A. Between ten after and quarter after five.

Q. Now, after Richard and his wife came up, what did you do, Mike?

A. Well, I was cleaning up my tools, and I followed Rich on into the house.

Q. What did you do?

A. Went on in and cleaned up and about twenty-five after five I left.

Q. Why do you say twenty-five after five you left, do, how do you know it was that?

A. I looked at the clock on the way out the door to see what time it was.

Q. Why would you want to look at the clock, did you have a reason for it?

A. Yes, I wanted to get over to my girlfriend's house at 5:30.

Q. What time was your date?

A. 5:30.

Q. Did you keep your date?

A. Yes.

Q. Did you see Kim at anyother time that evening?

A. No.

Q. You did not?

A. No.

Q. Did you have a good look at Kim's car while it was parked there between 4:00 and 5:00?

A. Yes.

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Q. You did?

A. Yes.

Q. Now, Mike, I want to show you marked for identification as Commonwealth's Exhibit No. 115, and as you can see it is a white hard helmet?

A. Yes.

Q. Did you ever see this particular helmet before?

A. No, Sir.

Q. What?

A. No, Sir.

Q. Did you ever see this or any helmet like it in Kim's car at any time?

A. No.

Q. Are you sure?

A. I am positive.

Q. Cross examination.

By The Court:

Mr. Ertel?

CROSS EXAMINATION

By Mr. Ertel:

Q. I am interested, Mike, who is your girlfriend you went to?

A. Bonnie Derr.

Q. Where did you go with her?

A. I stayed at her house part of the night and then we went out.

Q. Went out?

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A. Yes.

Q. Where did you go?

A. Bowling.

Q. Where did you go bowling?

A. ABC Bowling Lanes.

Q. How long were you there?

A. Two hours.

Q. What time did you get there?

A. About 6:00.

Q. Stayed until what?

A. About 8:00, I guess.

Q. Then where did you go?

A. Back to her house.

Q. How long were you there?

A. Until midnight.

Q. In other words, you spent the whole evening with Bonnie Derr, is that correct?

A. Yes.

Q. Are you sure of that?

A. Yes.

Q. Now, you are positive that this is the day you saw Kim's car there between these hours was the night you took Bonnie and went bowling?

A. Yes.

Q. Did you watch a movie at her house on TV or anything?

A. We watched some TV.

Q. What TV program was it, do you remember?

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A. I don't remember.

Q. But you are sure this is the day you saw Kim Hubbard's car, is that right?

A. Yes.

Q. No question in your mind when you spent that time from 5:30 to midnight with Bonnie Derr?

A. Yes.

Q. You couldn't be mistaken on it?

A. No.

Q. You are absolutely sure?

A. Yes.

By Mr. Fierro:

That is the fourth time, and I object.

By The Court:

Sustained.

By Mr. Ertel:

I want to make sure.

By Mr. Fierro:

Not four times.

By The Court:

It was answered, Sir.

By Mr. Ertel:

Q. Now, where do you work?

A. I was working with Michael Stuempble as a cleaner.

Q. Was Kim Hubbard working there?

A. At an earlier date.

Q. What do you mean by "earlier date"?

A. He had quit work, he worked for him for awhile and

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then he quit.

Q. Did he quit much before this day you saw him?

A. I don't remember when he quit.

Q. But you are, you and Kim are pretty good friends, aren't you?

A. I guess so.

Q. You are not only cousins, but you are friends?

A. Yes.

Q. You worked at the same place?

A. Yes.

Q. Who got who the job?

A. I got Kim the job.

Q. You got Kim the job there?

A. Yes.

Q. Now, I am curious about this time you saw the Sampsell boys on the Street along with this Paul Bubb?

A. Yes.

Q. It was very shortly thereafter you saw Kim?

A. Yes.

Q. What was it, five minutes, three minutes?

A. About five minutes.

Q. Are you sure about that?

A. Yes.

Q. That is the time he arrived there?

A. Yes.

Q. There is no question about that either?

A. No.

Q. Five minutes after you saw Bubb, Kim arrived?

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A. Yes.

Q. Well, you didn't see Kim then, did you?

A. Yes.

Q. You didn't see his face, did you?

A. No, I didn't see his face.

Q. The only reason you say you think it was Kim is the way the car drove up, isn't it?

A. I saw the car drive up and park the car and go in the house.

Q. You were underneath the car, your car, weren't you?

A. Yes.

Q. You were underneath and you didn't see Kim?

A. Yes, I did.

Q. You know Kim drive's fast, don't you, all of the time?

A. Not all of the time.

Q. But you heard it pull up in a loud noise, didn't you?

A. No.

Q. Now, when you looked and you saw these legs, you saw legs, didn't you?

A. Yes.

Q. You didn't see anything above the waist, did you?

A. Yes.

Q. You did?

A. Yes.

Q. Underneath this car, you looked out and saw above his waist?

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A. Yes.

Q. What did you see?

A. I saw Kim.

Q. What did he wear?

A. A pair of blue jeans on, a pair of sneakers and old overshirt.

Q. Now, Mike, you talked to the Police in this case, didn't you?

A. Yes.

Q. And you talked to them about how you saw Kim Hubbard come up there, allegedly Kim Hubbard?

A. Yes.

Q. Didn't you tell them the first time that you saw blue jeans and combat boots, and then you hesitated and said "or maybe sneakers"? Isn't that what you said?

A. I don't remember.

Q. You don't remember what you told the Police?

A. Nope.

Q. Well, you talked to them just January 11, 1974, didn't you?

A. Yes.

Q. You talked to the Police on January 11, 1974, and you can't even tell us what you told them, yet you remember what happened on October 19th?

A. Yes.

Q. And they went over this entire episode with you, did they not?

A. Yes.

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Q. You know that the combat boots are important in this case, don't you?

A. Yes.

Q. That is why you hesitated after you said combat boots to the Police?

A. I didn't know at that time.

Q. Now, didn't you also tell the Police that Kim parked right square in front of your car?

A. Yes, he was in front of me.

Q. Yet the Forsberg automobile was right in front of your car, wasn't it?

A. Yes.

Q. So there was the Forsberg car and then Kim's car?

A. Yes.

Q. So you didn't see Kim's car all of the time you were underneath that car?

A. Yes, I can see his car.

Q. What was it, your starter that was the problem on your car?

A. Yes.

Q. That is all you worked on, on that day?

A. Yes.

Q. You put in bushings in it?

A. Brushes.

Q. That is the only problem you had, was just putting the brushes in?

A. Yes, I put the brushes in the next day though, that



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night I still didn't have my car fixed, I had to use my Dad's car to go over.

Q. Isn't it true you had a problem with your battery terminals?

A. No.

Q. It is not?

A. No.

Q. Incidentally, who helped you on that car?

A. Well, my friend, Dave Frantz, he was down earlier in the day, and my brother, they just talked to me, my brother and his friend.

Q. Did anybody help you with that car that day?

A. Dave helped me a little bit.

Q. That is all?

A. That is all.

Q. Nobody else?

A. Nope.

Q. You say you got up that day at around 11:00 or started on your car around 11:00?

A. Started on my car around 11:00.

Q. Nobody helped you on the car except the Frantz boy?

A. No.

Q. No further questions.

By Mr. Fierro:

Step down.

(Excused from witness stand.).